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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,962	09/15/2003	Shawn Nelson	15605.1.1	1090

22913 7590 12/03/2004

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EXAMINER

HUYNH, LOUIS K

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/662,962

**Applicant(s)**

NELSON, SHAWN

**Examiner**

Louis K. Huynh

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 7-11 is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/27/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 12 and 17 in paper filed September 27, 2004 have been considered but are moot in view of the new ground(s) of rejection below.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keltner (US 3,968,620).

With respect to Claim 12, Keltner discloses a method for packaging a chair including the steps of: forming furniture assembly by providing an article (1) comprising an air permeable bladder (cloth fabric cover) filled with light density flexible polyurethane foam and placing the article in a vacuum chamber (plastic bag 3); connecting the vacuum chamber in communication with a vacuum source (col. 2, lines 7-17); compressing the article using the vacuum source (col. 2, lines 17-20); placing the furniture assembly in a storage container (2) with the vacuum chamber unsealed (col. 2, lines 29-32). Note that the article used in the method of Keltner is foam chair or couch (col. 2, lines 64-68). The method of Keltner meets all of applicant's claimed subject matter but lacks the specific teaching of the storage container comprising an air permeable material. However, Keltner teaches that the article (1) in the vacuum chamber (3) can be place in a container which is air permeable after compression (col. 2, lines 61-63). Therefore,

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it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have provided the method of Keltner with an air permeable container including a container that is made of air permeable material to contain the article (1) for as long as the container prevents the article from popping out un-intentionally.

With respect to Claim 13, the modified method of Keltner meets all of applicant's claimed subject matter but lacks the specific teaching of a step of connecting the vacuum chamber in communication with a high-powered vacuum source. However, Keltner discloses that higher volume reductions may be obtained with further pressure reductions (col. 3, lines 23-24); therefore, it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have modified the method of Keltner by having connected the vacuum chamber with a higher powered vacuum source, as suggested by Keltner, in order to further reduce the volume of the article thus saving storage space.

With respect to Claims 14 and 15, the article (1) is compressed to less than 20% of its original volume (col. 1, lines 56-64) which meets the limitations as claimed in Claims 14 and 15.

With respect to Claim 16, Keltner further discloses a step of removing the packaged furniture assembly from the storage container and removing the article from the vacuum chamber, wherein the chair refills to substantially the original volume after removal from the vacuum chamber (col. 2, lines 38-40).

With respect to Claim 17, Keltner discloses a method for manufacturing and packaging an article (1) including the steps of: providing an air permeable bladder (cloth fabric cover); placing a filler material (light density flexible polyurethane foam) within the air permeable bladder; suctioning a substantial amount of air from the article with a vacuum source (col. 2,

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lines 7-20); and placing the furniture assembly in a storage container (2) with the vacuum chamber unsealed (col. 2, lines 29-32). Note that the article used in the method of Keltner is foam chair or couch (col. 2, lines 64-68). The method of Keltner meets all of applicant's claimed subject matter but lacks the specific teaching of the storage container comprising an air permeable material. However, Keltner teaches that the article (1) in the vacuum chamber (3) can be place in a container which is air permeable after compression (col. 2, lines 61-63). Therefore, it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have provided the method of Keltner with an air permeable container including a container that is made of air permeable material to contain the article (1) for as long as the container prevents the article from popping out un-intentionally.

With respect to Claim 18, the modified method of Keltner includes the step of placing the article (1) in an air permeable storage container in which the article is allowed to partially refill with air while in the air permeable storage container (col. 2, lines 29-32).

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keltner (US 3,968,620) in view of Hill (US 5,476,184).

The modified method of Keltner meets all of applicant's claimed subject matter but lacks the specific teaching of the storage container comprising a duffle bag or an air permeable, pliable, cotton bag. However, Keltner teaches that the article (1) in the vacuum chamber (3) can be place in a container which is air permeable after compression (col. 2, lines 61-63). Hill discloses such air permeable container that comprises an outer duffle bag shell (10) and collapsible insert (12, 14, 16) that keeps the duffle bag in the form of a box. It would have been

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obvious to an ordinary skilled person in the art, at the time the invention was made, to have provided the duffle bag of Hill in the modified method of Keltner since such duffle bag meet the requirement of a container that is not airtight. Note that duffle bag is known to be fabricated from air permeable and pliable cotton.

*Allowable Subject Matter*

5. Claims 1-4 and 7-11 are allowed over the prior art of record. Specifically, the prior art of record fails to disclose a method for packaging a chair comprising in combination as recited in claim 1 and including the step of sealing the storage container by applying adhesive to the inside of the plume formed at the opening of the storage container.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

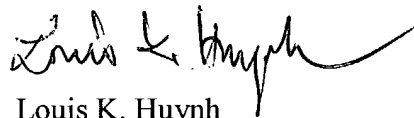
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (571) 272-4462.

The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh  
Primary Examiner  
Art Unit 3721

November 29, 2004